

**From:** [Kenneth Haldin](#)  
**To:** [Walters, Donn](#); [Durant, Jennah](#)  
**Subject:** Fwd: San Jacinto Waste Pits - Baytown Sun  
**Date:** Thursday, September 22, 2016 9:29:31 AM

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Donn & Jennah:

Just FYI, I'm passing along some news coverage in the *Baytown Sun* related to the info below. (Wanted to be sure you have this since the newspaper's content is subscription only.)

Best regards,

K.  
Ken Haldin  
404-405-2924

Begin forwarded message:

**From:** "Walters, Donn" <[walters.donn@epa.gov](mailto:walters.donn@epa.gov)>  
**Subject:** RE: Documents for CAC members: San Jacinto Waste Pits  
**Date:** September 20, 2016 at 9:50:08 AM EDT  
**To:** Kenneth Haldin <[kchaldin@comcast.net](mailto:kchaldin@comcast.net)>

Ok, thanks Ken

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**From:** Kenneth Haldin [<mailto:kchaldin@comcast.net>]  
**Sent:** Monday, September 19, 2016 12:08 PM  
**To:** Walters, Donn <[walters.donn@epa.gov](mailto:walters.donn@epa.gov)>; Allen, Bob (PCS) <[Bob.Allen@pcs.hctx.net](mailto:Bob.Allen@pcs.hctx.net)>; Satya Dwivedula <[Satya.Dwivedula@tceq.texas.gov](mailto:Satya.Dwivedula@tceq.texas.gov)>; Darbonne, Jacque (Commissioner Precinct 2) <[Jacque.Darbonne@pct2.hctx.net](mailto:Jacque.Darbonne@pct2.hctx.net)>; Owens, Rock (CAO) <[Rock.Owens@cao.hctx.net](mailto:Rock.Owens@cao.hctx.net)>; Linda Henry <[lhenry@poha.com](mailto:lhenry@poha.com)>; Leah Oberlin <[loberlin@poha.com](mailto:loberlin@poha.com)>; [latrice.babin@pcs.hctx.net](mailto:latrice.babin@pcs.hctx.net); [Tom.Ellerbee@dshs.state.tx.us](mailto:Tom.Ellerbee@dshs.state.tx.us); Schroeder, Paul R ERDC-RDE-EL-MS CIV <[Paul.R.Schroeder@erdcdren.mil](mailto:Paul.R.Schroeder@erdcdren.mil)>; Crystal Taylor <[crystal.taylor@tceq.texas.gov](mailto:crystal.taylor@tceq.texas.gov)>; Walker, Tina (DSHS) <[Tina.Walker@dshs.state.tx.us](mailto:Tina.Walker@dshs.state.tx.us)>; [sjones@galvbay.org](mailto:sjones@galvbay.org); Bob Stokes <[bstokes@galvbay.org](mailto:bstokes@galvbay.org)>; Jacquelyn Young <[jeyoung@texanstogether.org](mailto:jeyoung@texanstogether.org)>; Philip J Slowiak <[Philip.Slowiak@ipaper.com](mailto:Philip.Slowiak@ipaper.com)>; Dave Moreira <[Dmoreira@wm.com](mailto:Dmoreira@wm.com)>; Miller, Garyg <[Miller.Garyg@epa.gov](mailto:Miller.Garyg@epa.gov)>; Sanchez, Carlos <[sanchez.carlos@epa.gov](mailto:sanchez.carlos@epa.gov)>; Meyer, John <[Meyer.John@epa.gov](mailto:Meyer.John@epa.gov)>; Foster, Anne <[Foster.Anne@epa.gov](mailto:Foster.Anne@epa.gov)>  
**Subject:** Documents for CAC members: San Jacinto Waste Pits  
Community Awareness Committee members:  
In light of continuing community interest in the recent U.S. Army Corps of Engineers report ("Evaluation of the San Jacinto Waste Pits Feasibility Study Remediation Alternatives," August 2016), please find an overview presentation and summary on the report developed by the PRPs.  
In addition, please find an overview and summary document reflecting results from the recently completed Sampling and Analysis Program required of the PRPs by EPA Region 6.  
These documents have been provided to EPA and are shared here for your information.  
K.

Ken Haldin  
On Behalf of MIMC

## Companies say data proves cap works

By Christopher James [christopher.james@baytownsun.com](mailto:christopher.james@baytownsun.com) | Posted: Thursday, September 22, 2016

Sample results provided by the potentially responsible parties in reference to the San Jacinto River Waste Pits suggest that the armored cap is containing toxic materials at the site.

In 2011, McGinnes Industrial Maintenance Corporation and International Paper — the potentially responsible parties — completed construction of an armored cap that served as a time-critical removal action. The cap, which covers about 15 acres and consists of about 59,000 tons of stone with protective layers of geo-textile materials, is meant to stabilize the waste pits, prevent direct human contact and prevent contact with marine life.

The data, which is being reviewed by the Environmental Protection Agency, is being used to support the remedial investigation and feasibility study being conducted by the agency.

However, some community leaders are not convinced of the validity of these results.

Nevertheless, the study was conducted after the EPA directed the respondents to undertake a series of new data collection efforts in August 2015 to:

- Confirm that the cap, a time-critical removal action, continues to prevent dioxin/furan migration from the waste pits to the San Jacinto River following storms occurring since the last cap passive pore-water sampling event in 2012.
- Determine whether there has been any migration of dioxin/furan-contaminated sediment from under the toe of the cap using sediment samples.
- Determine whether there is any migration of dioxin/furan from the alluvial aquifer at the waste pits or the southern impoundment into the San Jacinto River at levels above the Texas Surface Water Quality Standard (SWQS) for dioxin/furan using passive porewater samples and surface water samples.
- Determine whether there is any migration of groundwater in the Southern Impoundment to the surface water in the Old River channel at levels above the SWQS using groundwater samples.

The results provided by MIMC and International Paper measured samples taken from sediment surrounding the cap, groundwater underneath the capped site, surface water above and around the site and pore-water. However, the specific data supporting this was not released since the EPA is reviewing it, but a summary was provided that suggests the armored cap and conditions south of Interstate 10 are effective in preventing releases of dioxins and furans from the paper mill wastes.

In terms of pore-water samples (crevices of the rocks that comprise the cap) the dioxin and furan fingerprints (2,3,7,8-TCDD, 2,3,7,8-TCDF and 2,3,4,7,8-PentaCDF) were not detected.

Concentrations of the same dioxin and furan fingerprints surrounding the impoundments north of I-10 are significantly lower than in 2010 and are below the sediment protective concentration level of 220 ng/kg according to the report.

The report also states that the average toxicity equivalent concentrations in surface water above the submerged portion of the impoundments north of I-10 in 2016 are 91 percent lower than the values in 2009.

In terms of ground water beneath the impoundments, the target dioxin and furan compounds for the groundwater study were not detected.

The report goes on to say that the groundwater results indicate that there is no evidence of subsurface transport of dioxins and furans from the impoundments to surface water.

A copy of the report can be found at <http://www.sanjacintofacts.com>.

However, not everyone is convinced of these results, one being Harris County Attorney Rock Owens.

“We have seen the summary that is posted on the website and we question its accuracy,” said Owens. “The data is not being released by the EPA and not having been reviewed by any of the other stakeholders other than the PRPs (potentially responsible parties). The latest data that has been released by the EPA indicates that the cap has leaked and some material has gotten out of it.”

In June, the EPA found that parts of the cap had been exposed after nearly seven inches of rainfall fell on parts of the Highlands area, resulting in the San Jacinto River reaching 11.12 feet.

It’s occurrences such as this that San Jacinto River Coalition Director Jacquelyn Young refers to when hearing that the cap is reliable. Like Owens, she questions the report that the responsible parties released and questions their data, science and motives.

“The Superfund process is supposed to be one that is objective and based off of scientific facts and findings. And what we have are responsible parties consultants advocating for the cheapest and quickest remedy,” Young said. “They are supposed to be remaining objective, that’s not happening. They’ve only distributed presentations that they have put together over supposed data and we’ve not seen the data. So show us the data. And this data should be released by the EPA because it’s part of the Superfund process.”

“Additionally, this is sampling done by the responsible parties. Can we really trust that? These are the people that we know in 2011 were creating a global consensus for containment,” she added.

In the last five years, the cap has proved to be problematic. In December 2015, the surface area of the cap was discovered to have damage that measured 25-feet by 22-feet.

“It is incredibly unreasonable to assume that we could predict the future for upwards of 750 more years in terms of attempting to safely contain the waste under geo-membrane tarps and crushed concrete,” Young said. “And I say 750 years because that is the length of time that the EPA estimated it would take for the waste in the pits to degrade in toxicity. However, we just need one big storm or one barge accident and our entire bay system and surrounding communities would be devastated.”

Constructed in the 1960s for disposal of pulp and paper mill waste, the waste pits span 14-acres and are located near the I-10 bridge over the San Jacinto River between Highlands and Channelview. In 2008, the site was placed on the National Priorities List because the pits contain mercury, PCBs and cancer-causing dioxins. In 2011 MIMC and International Paper completed construction of the armored cap.

“We continue to inspect and monitor the temporary armored cap to ensure that it is preventing migration of hazardous materials from the site,” said David Gray, spokesman for the EPA Region 6. “EPA instructed the PRP’s to collect samples to demonstrate the temporary cap is protective while a long-term remedy is developed for the site. EPA expects to announce its proposed plan soon.”

In May, the EPA told members of the Community Advisory Committee that they had moved up their announcement of the long-term solution to the toxic site to July 28. When that didn't happen, the EPA delayed the announcement to late summer, however that was also missed, as today is the beginning of the fall season.

Nevertheless, with the recent Army Corps report that was released last month and with preliminary sample results from the responsible parties, the EPA is getting closer to making a decision.

For more information visit <https://www.epa.gov/tx/sjrwsp>.

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[http://m.baytownsun.com/opinion/guest\\_columns/article\\_fa17c414-8043-11e6-968a-ff03d964ba1f.html?mode=jqm](http://m.baytownsun.com/opinion/guest_columns/article_fa17c414-8043-11e6-968a-ff03d964ba1f.html?mode=jqm)

## **Real Risks: Removing cap over waste pits**

Submitted by McGinnes Industrial Maintenance Corp.

Much attention is currently focused on how to permanently remediate the San Jacinto waste pits off Interstate 10 in eastern Harris County. Now is a critical time to be sure that the very real and measurable risks associated with one of the options — full excavation of the site — are clearly understood by those who live either nearby or downstream from this area.

Fortunately, people in the community anxious about what decision is made don't have to take the word only of advocates — either those who call for uncovering the contaminated material through dredging or those who prefer the site remain fully capped, upgraded and then sealed permanently.

Recently, the U.S. Environmental Protection Agency turned to the U.S. Army Corps of Engineers to independently assess and model the effects of each of the proposed permanent remedies: capping vs. removal. For the first time, the Corps studies even included analysis of a newer alternative not previously studied. That option is to deploy what's known as enhanced "Best Management Practices" (BMPs), which involves constructing barriers that seek to enable excavation to take place "in the dry."

Unfortunately, these removal solutions were found by Army Corps' experts to be far from risk-free. According to the full report, just released to the public in August, "... full removal ... would be expected to significantly increase short-term exposures to contaminants."

Even more concerning, if flooding occurs during remedial construction — even with enhanced BMPs deployed — the report says "releases may be up to five times greater" if these barrier structures were overtopped. Worse, if a storm were to occur "during the actual removal/dredging operation, the likelihood of extremely significant releases of contaminated sediment occurring is very high," the report states.

In addition, the Army Corps' report explains that for several years after removal, fish tissue contamination in the river will be dozens of times greater than under current conditions with removal using enhanced BMPs. The report even acknowledges that after removal of the existing cap and underlying material, dioxin-impacted material would still remain in place at the site. It concluded "... short-term releases [of residuals] ... would subsequently be available for redistribution during erosion events from high flows or storm events."

Natural environmental recovery of the area from these contaminants, now occurring, would also be delayed by 10 to 20 years, the report says.

In contrast, the Army Corps report concludes that enhancing the current armored cap would be highly effective in permanently preventing releases of contaminants to the environment. It notes that, when compared to capping, "... short-term releases for the new full removal [alternative] is about 400,000 times greater than the releases from the intact cap."

A new set of sampling results just released reinforces that the current cap is working. These results — validated and submitted to the EPA — measured samples taken from sediment surrounding the cap, groundwater underneath the capped site, surface water above and around the site, and porewater in the crevices of the rocks that comprise the cap. Dioxin concentrations from within the waste pits were not detected in either the groundwater or porewater samples. In short, the

existing cap is preventing release of dioxin into the environment. Fish tissue samples from around the site also show that dioxins in these fish are at levels similar to other fish found both upstream and downstream from the waste pits. And we all know the San Jacinto River contains various other dioxins not related to the waste pits.

Before settling on a final decision about the best remedy for the site, EPA will follow Superfund protocol and take into account all verifiable data — not solely public opinion and the assortment of points of views expressed by observers. (The latter are only one of nine Superfund criteria evaluated.) The independent expert analysis of alternatives by the Army Corps, together with the new results from recent sampling of the site mandated by EPA, point to what is scientifically required to remediate the pits.